

2350. Misbranding of Appetaser. U. S. v. 3,000 Packages * * *. (F. D. C. No. 23931. Sample No. 20928-K.)

LIBEL FILED: November 24, 1947, District of Nebraska.

ALLEGED SHIPMENT: On or about October 1 and 8, 1947, by Hawkeye Sales, Inc., from Des Moines, Iowa.

PRODUCT: 3,000 1½-ounce size packages of *Appetaser* at Wahoo, Nebr. Analysis showed that the product consisted essentially of iron sulfate, copper sulfate, magnesium sulfate, and small amounts of sodium sulfate and salicylic acid, flavored with anise.

LABEL, IN PART: "Keep Them Eating With Appetaser Concentrated Powder Form for Feeding Stations and Live Car Shippers * * * For Watering Out: * * * In The Feed."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading, since they represented and suggested that the article was effective to restore and stimulate the appetites of fowls which were inadequate for any reason, and was effective to increase feed and water consumption of fowls. The article was not effective for such purposes.

DISPOSITION: April 19, 1948. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 2301 TO 2350

PRODUCTS

	N. J. No.		N. J. No.
Anademin Tablets.....	2301	Holliday's Antiseptic Powder,	
Antiseptic mouth wash.....	2319	Holliday's Solution #5,	
Appetaser.....	2350	Holliday's Cinotol-F, Holli-	
Athlete's foot, remedy for.....	2342	day's Vaginal Ointment, and	
Belladonna leaves, powdered.....	2317	Holliday's Para Specific.....	¹ 2307
Biosol.....	2333	Injection preparations. See Par-	
Body Cell Salts.....	¹ 2332	enteral drugs.	
Bro-No-Mor.....	2348	Key-Mins.....	2335
C. T. Acetanilide Comp. Tablets		Large Round Worm Powder.....	2346
R/3099.....	2310	Laxative without required warn-	
Calcium Carduus Compound.....	¹ 2331	ing statements.....	2308
levulinate solution.....	2314	Linol.....	¹ 2331
Cascara sagrada.....	2318	Mar-to-Ma Compound Powder,	
Chick-Ton.....	2346	Mar-to-Ma Chick Rem, Mar-	
Chloro-Iodine.....	2349	to-Ma Mycro Rem, and Mar-	
Climacteric No. 149.....	¹ 2331	to-Ma Broiler Compound	
Cloro devices.....	2343	Powder.....	2347
Cod liver oil.....	2316	Mor-O Liquid.....	2348
Colwell's Penetrating Healing		Mouth wash, antiseptic.....	2319
Balm.....	¹ 2330	Nature's Minerals Compound.....	2336
Cosmetics (subject to the drug		Vegetation.....	⁴ 2306
provisions of the Act).....	¹ 2331, 2337	Nedra.....	¹ 2331
Devices.....	^{2, 3} 2320-2329, 2343-2345	Nelson's Solid Liniment.....	2316
Diet Tablets.....	2311	Neo-Serum Solution of Organic	
Digitalis.....	2301	Marine Substances.....	¹ 2331
Durmaseptic.....	2342	Nu-Youth Hormone Creme.....	2337
Egyptian Herb Tea.....	2340	Ointments.....	¹ 2307, 2316, ¹ 2330
Endogene.....	¹ 2331	Parenteral drugs.....	2304,
Enteric SQ Red Tablet R/2940.....	2310		2305, 2314, 2315, 2349
Ephedrine and amytal pulvules...	2309	Penicillin sodium.....	2304, 2305
Estrogenic substances.....	2303, 2337	Pheno Nox-Ide-Tabs.....	2346
Fernel Intestinal Normalizer, Fer-		Phenobarbital, elixir of.....	2313
nel Slenda Creme, and Fernel		Pituitary, obstetrical.....	2314
Obesine No. 1.....	¹ 2331	Poultry Pep, and Poultry-Ton and	
Firmo cream.....	2303	Conditioner for Poultry.....	2346
Goat's Milk Capsules.....	¹ 2331	Prophylactics.....	^{2, 3} 2320-2329

¹ (2307, 2330-2332) Prosecution contested.

² (2320) Prosecution contested. Contains opinion of the court.

³ (2328) Seizure contested. Contains opinion of the court.

⁴ (2306) Permanent injunction issued.

FEDERAL SECURITY AGENCY**FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

2351-2400

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

J. DONALD KINGSLEY, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., October 29, 1948.

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NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

2351. Doctor's Prescription Rx 7-11. U. S. v. 11 Bottles, etc. (F. D. C. 23882. Sample Nos. 16802-K to 16804-K, incl.)

LIBEL FILED: October 30, 1947, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about May 8, June 5, and July 8 and 19, 1947, by Murrell Laboratories, from Norman, Okla.

PRODUCT: 11 1-gallon bottles, 6 cases, each containing 12 1-pint bottles, and 81 cases, each containing 12 8-ounce bottles, of *Doctor's Prescription Rx 7-11* at Milwaukee, Wis.

NATURE OF CHARGE: Section 505 (a), the article was a drug which should not have been introduced or delivered for introduction into interstate commerce, since it was a new drug and an application filed pursuant to the law was not effective with respect to the drug. It was a new drug in that its composition consisting essentially of a colored solution containing alcohol, glycerin, sulfanilamide, and sulfathiazole, was not generally recognized among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions suggested in its labeling, i. e., "Doctor's

*For presence of a habit-forming narcotic without warning statement, see No. 2357; deceptive packaging and imitation of another drug, No. 2376; labeling information not likely to be understood by the ordinary individual under customary conditions of purchase and use, No. 2352; cosmetic, subject to the drug provisions of the Act, No. 2351.